

**Planning Commission**  
**Staff Report**  
April 7, 2022



<b>Case No:</b>	22-STRCLOSURE-0004
<b>Project Name:</b>	Fegenbush ROW Closure
<b>Location:</b>	Portion of Fegenbush Ln ROW adjacent to 5905 Fegenbush Ln
<b>Owner(s):</b>	Louisville Metro
<b>Applicant:</b>	Hull Street Condominium Developers.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	2 – Barbara Shanklin
<b>Case Manager:</b>	Jay Luckett, AICP, Planner I

**REQUEST(S)**

- Closure of Public Right-of-way

**CASE SUMMARY/BACKGROUND**

The proposal is to close a portion of the right-of-way of Fegenbush Ln. The closure area does not include any portion of the roadway. The subject site is adjacent to 5905 Fegenbush Ln, just to the north of the intersection with Hurstbourne Pkwy. The closure request is the same area previously requested for closure under 21-STRCLOSURE-0004. The Planning Commission recommended closure in that case, but it was denied by Louisville Metro Council.

**STAFF FINDING**

The request is adequately justified and meets the standard of review. The closure area is excess right-of-way leftover after a road realignment was completed. No properties will be deprived of access and all affected utility agencies will be provided necessary easements to allow continued maintenance of their facilities.

**TECHNICAL REVIEW**

The applicant has agreed to provide easements to LG&E and MSD for existing utility equipment in the closure area. All affected agencies have agreed to the closure or declined to comment.

**INTERESTED PARTY COMMENTS**

None received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET CLOSURES**

1. Adequate Public Facilities – Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site), exceeding the capacity or interfering with the function of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No closure of any public right of way shall be approved where an identified current or future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities; and

STAFF: Adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property. The applicant will provide necessary easements or relocation of equipment per utility agency requirements.

2. Cost for Improvement – The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of a proposed project, including cost of improvements to adjacent rights-of-way or relocation of utilities within an existing easement; and

STAFF: Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer.

3. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan; and

STAFF: The request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and

Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands.

4. Other Matters – Any other matters which the Planning Commission may deem relevant and appropriate; and

STAFF: There are no other relevant matters to be considered by the Planning Commission.

**REQUIRED ACTIONS:**

**RECOMMEND** that Louisville Metro Council **APPROVE** or **DENY** the closure of public right-of-way.

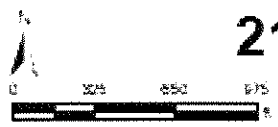
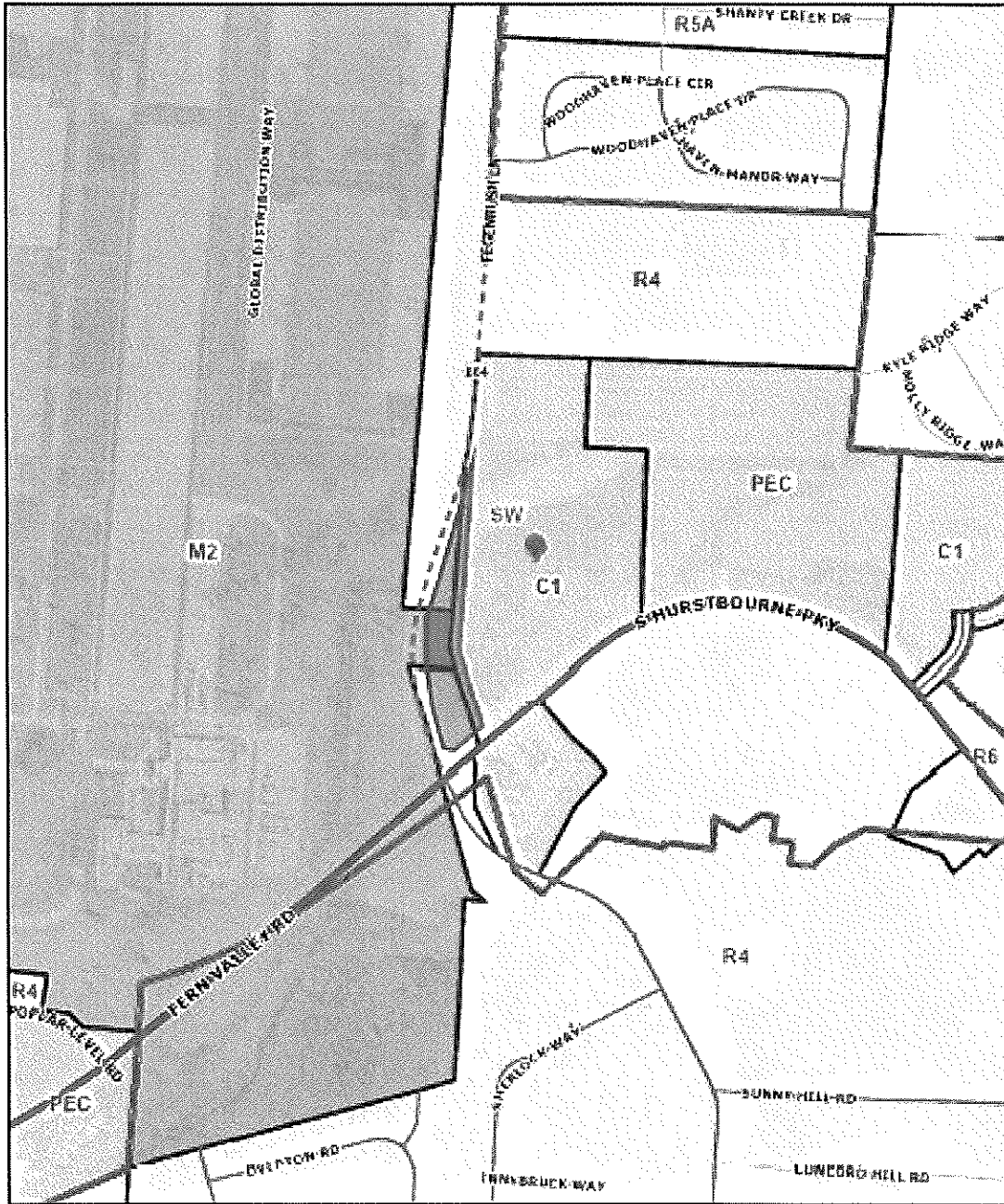
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
2/10/2022	Hearing before LD&T	Registered Neighborhood Groups in Council District 2 First Tier Adjacent Property owners for the closure area.
3/3/2022	Hearing before PC	Registered Neighborhood Groups in Council District 2 First Tier Adjacent Property owners for the closure area.
2/28/2022	Hearing before PC	Sign Posted on Site
3/23/2022	Hearing before PC	Legal Advertisement in <i>Courier-Journal</i>

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



# 21-STRCLOSURE-0004

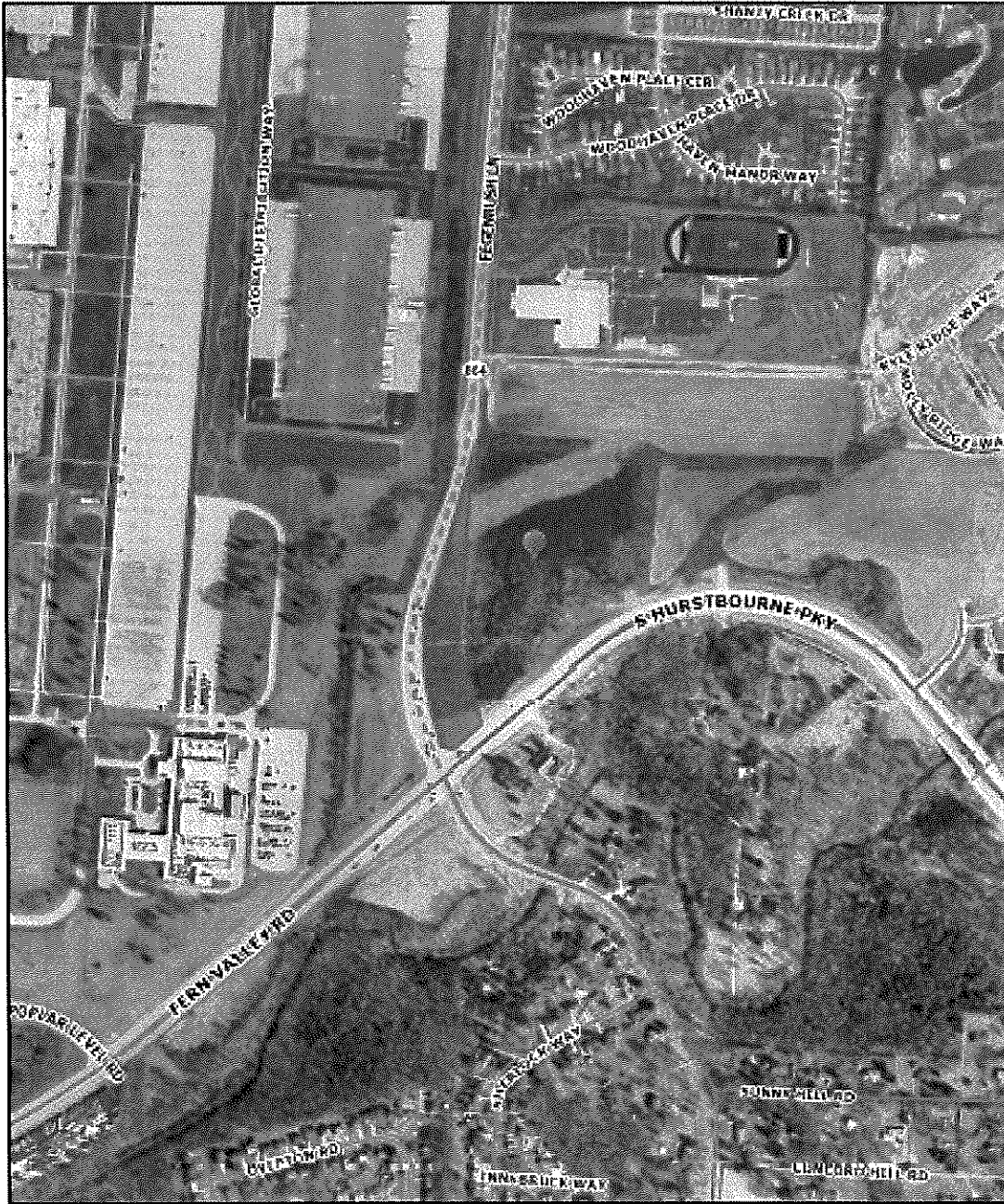
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2. Aerial Photograph



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**Land Development and Transportation  
Committee  
Staff Report  
February 24, 2022**



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**STAFF FINDING**

The proposal is ready to docket for a public hearing before the Planning Commission.

**TECHNICAL REVIEW**

The applicant has agreed to provide easements to LG&E and MSD for existing utility equipment in the closure area. All affected agencies have agreed to the closure or declined to comment.

**INTERESTED PARTY COMMENTS**

None received.

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4. Other Matters – Any other matters which the Planning Commission may deem relevant and appropriate; and

STAFF: There are no other relevant matters to be considered by the Planning Commission.

**REQUIRED ACTIONS:**

- Schedule for a public hearing before the next available Planning Commission

**NOTIFICATION**

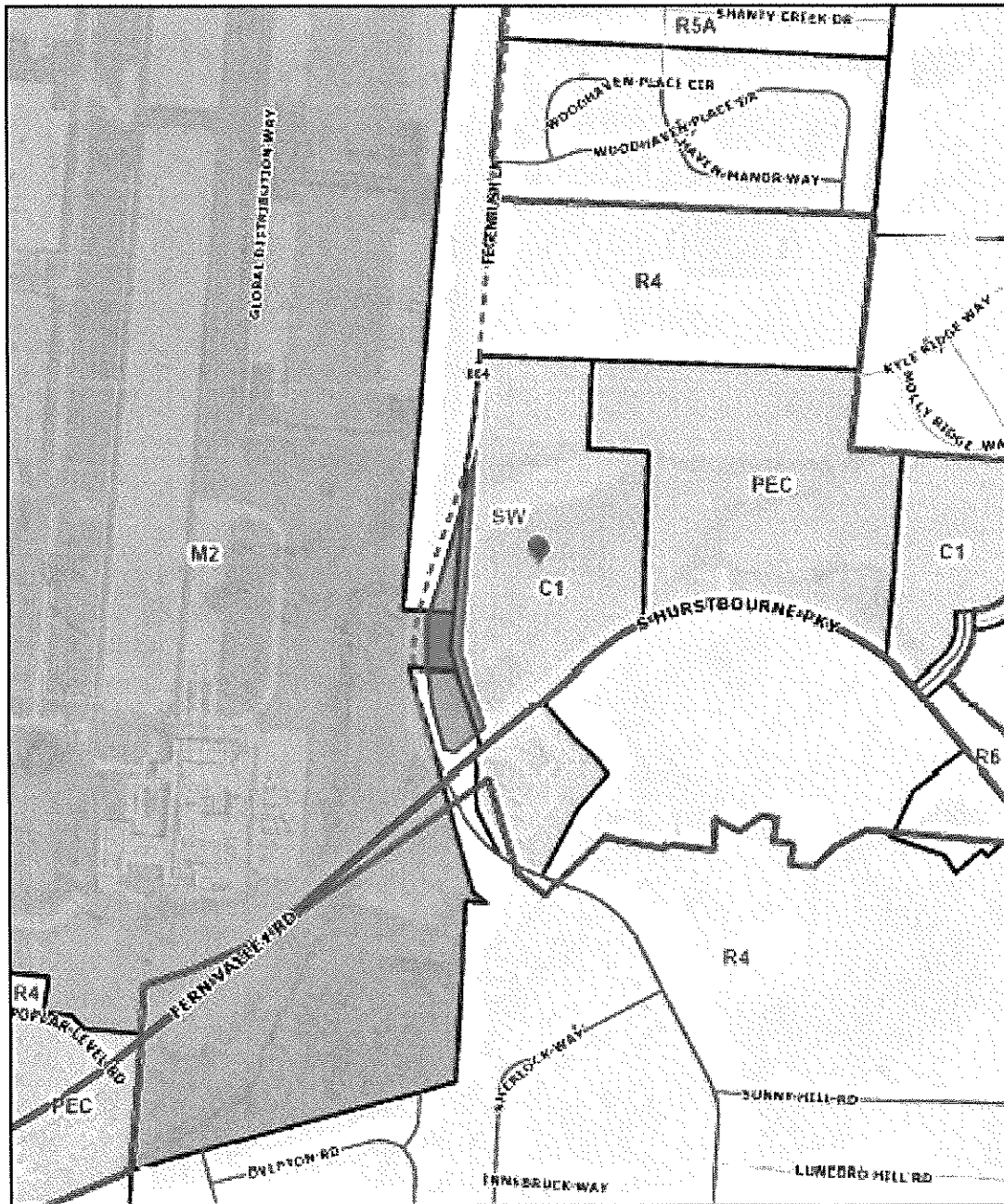
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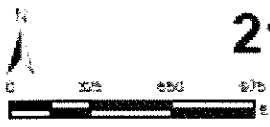
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